IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4164 of 2005

Between:

Fishermen Cooperative Society, Kodada, Rep. by its President Kondaraboyana Veera swamy S/o. Pullaiah, aged about 34 years, R/o. Kodada, Nalgonda District.

..... PETITIONER

AND

1 The District Collector,

Nalgonda, Nalgonda District.
2 The Commissioner of Fisheries,

Mastya Bhavan, Santhinagar, Masab Tank, Hyderabad.
3 The Deputy Director of Fisheries,

Nalgonda, Nalgonda District.
4 The Assistant Director of Fisheries,

Nalgonda, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in causing hurdles to catch the fish by the Members of the General Body of the Petitioner Society as per the lease dt. 26-2-2005 for the current year i.e, 2004-2005 as bad, arbitrary, contrary to the G.Os. issued by the Government including G.O.Ms.No. 776 dt. 30-12-2000.

Counsel for the Petitioner: Ms. M.VIDYAVATHI

Counsel for the Respondents: GP FOR FISHERIES

The Court at the admission stage made the following :

ORDER:

This Writ Petition is filed seeking to declare the action of the respondents in causing hurdles to catch the fish by the members of the General Body of the Petitioner Society, as per the lease dated 26-02-2005, for the current year, 2004-2005, as bad, arbitrary and contrary to the Government Orders issued by the Government, including G.O. Ms. No. 776 dated 30-12-2000.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Fisheries appearing on behalf of the respondents.

3. Learned counsel for the petitioner contended that the petitioner-Society is having leasehold rights for fishing in the Society tank (Pedacheruvu). The Fisheries Development Officer, Suryapet issued a notice vide Lease No.3/2004-2005, dated 14-02-2005 directing the petitioner-Society to pay the lease amount of Rs.1,27,338/-. Pursuant to the said notice, the petitioner-Society paid the said amount towards lease of Pedavheruvu for fasli 1414 on 26-02-2005. But, the respondents are creating hurdles for fishing operation in the respective tanks of the petitioner-Society.

4. In the light of the contention of the learned counsel for the petitioner, the respondents are directed not to cause any hurdles to catch fish by the members of the General Body as per the resolution of the General Body.

5. Accordingly, the Writ Petition is allowed, with the above direction.

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(K.C.BHANU,J)

4th March, 2005.

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To

1 The District Collector,

Nalgonda, Nalgonda District.

2 The Commissioner of Fisheries,

Mastya Bhavan, Santhinagar, Masab Tank, Hyderabad.

3 The Deputy Director of Fisheries,

Nalgonda, Nalgonda District.

4 The Assistant Director of Fisheries,

Nalgonda, Nalgonda District.

5 Two CCs to the GP for Fisheries, High Court of A.P.,

Hyderabad (O.U.T.)

6 Two CD copies